

**REMARKS**

Claims 11-15, 17-20 and 29-34 are pending. Claims 11, 14, and 30 have been amended. No new matter has been added.

The Examiner maintains the rejections of the pending claims. Claims 11-15, 17-20 and 29 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 11, 14-15, 17-20 and 29-34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Reboh et al. (U.S. Patent No. 4,866,634) (“Reboh”) in view of Hedstrom et al. (U.S. Patent No. 6,477,471) (“Hedstrom”). Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reboh in view of Hedstrom, and further in view of Masch (U.S. Patent No. 5,930,762) (“Masch”).

**Rejection of Claims 11-15, 17-20 and 29 under 35 U.S.C. § 112**

Claims 11-15, 17-20 and 29 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejection is respectfully traversed and reconsideration is requested.

The Examiner maintains that the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The Examiner defines “plausibility” as “likely but not certain to be or become true,” and believes the term is indefinite.

Accordingly, in order to expedite prosecution, claim 11 has been amended to recite “assess the credibility” instead of “deduce the plausibility.” Similarly, claim 14 has been amended to recite “an assessment of the credibility” instead of “plausibility.” These amendments find clear and sufficient support in the specification. For example, paragraph [0045] recites:

Content Analysis assesses changes in content using a simple odds scale called *maximum credible assessments*. The maximum credible assessment gives the most we could say in practice about content changes which we categorize as normal, outer normal, borderline, and abnormal changes. The maximum credible assessment criteria are summarized in Table 4 below. These criteria are arbitrary; one of ordinary skill in the art will appreciate that these values can be modified without departing from the spirit of the present invention. Additional embodiments of the present invention can include varying numbers of change

categories. For example, a three category system can be provided including the following change categories: Normal, Borderline, and Abnormal.

Additionally, Table 4 recites:

**Table 4**

<b>Change</b>	<b>Odds favoring problem</b>	<b>Potential of problem (Maximum credible assessment)</b>
Normal	3 to 1	Little potential of problem
Outer Normal	6 to 1	Substantial potential of problem
Borderline	20 to 1	Strong potential of problem
Abnormal	>20 to 1	Decisive potential of problem

Thus, one of ordinary skill in the art is provided with a standard for ascertaining the requisite degree and would be reasonably apprised of the scope of the invention.

Accordingly, the undersigned representative submits that the amended claims are definite. Therefore, the undersigned representative respectfully requests that the Examiner withdraw the rejection to claims 11-15, 17-20, and 29.

**Rejection of Claims 11, 14-15, 17-20 and 29-34 under 35 U.S.C. § 103**

Claims 11, 14-15, 17-20 and 29-34 are rejected under 35 U.S.C. § 103(a), as being unpatentable over Reboh in view of Hedstrom. The rejection is respectfully traversed and reconsideration is requested.

On page 2 of the Office Action, the Examiner asserts that the intended use does not distinguish the claimed apparatus from the prior art, if the prior art has the capability to so perform. MPEP 2114. Accordingly, claim 11 has been amended to recite a method instead of a system. Thus, each and every feature of the claimed invention should be available for distinguishing the prior art.

With regard to claims 11 and 14, the Examiner has not yet established a prima facie case of obviousness. The Examiner recognizes that Reboh does not teach each and every element and attempts to cure the deficiencies with Hedstrom. Hedstrom recites “statistical confidence intervals qualifying the ‘goodness’ of the prediction,” but Hedstrom does not teach presenting a confidence level that a change between the information content of the input financial data and the information content of the one or more historical values is caused by an error. Hedstrom’s “goodness” of the prediction is based on data to predict the number of escaping defects and does not correspond to whether the changes to the input data were caused by an error. Thus, both Reboh and Hedstrom, alone or in combination, fail to teach each and every element of claims 11 and 14. As claims 11 and 14 are believed to be allowable, claims 15, 17-20, and 29 are also believed to be allowable as they depend on claims 11 and 14. Accordingly, the undersigned representative respectfully requests that the Examiner withdraw the rejection of claims 11, 14-15, 17-20, and 29.

With regard to claim 30, on page 3 of the Office Action, the Examiner asserts that Hedstrom teaches “identifying the odds of a possible error based on the change at a predetermined statistical confidence level.” The Examiner’s citation to Hedstrom is reproduced below:

In accordance with one embodiment of the present invention, a software sigma predictive engine is provided for predicting defects in software. The engine comprises, for example, a personal computer (PC) with a processor, a storage unit (such as a disk drive), a monitor, and input device such as a keyboard and mouse as shown in FIG. 2. The processor is loaded with a software spreadsheet program such as Microsoft Excel 5.0. The operation is implemented as a workbook in three sheets. The user enters data in two sheets, the historical sheet and the current sheet. See diagram in FIG 3. A third sheet, the summary sheet, automatically summarizes the decisions made, actual observed defects, the predicted number of escaping defects, and statistical confidence intervals qualifying the “goodness” of the prediction. There is also a fourth sheet or page which contains the original computer program to calculate the Poisson probabilities.

Column 3, lines 19-36. The Examiner asserts that the confidence level corresponds to the “goodness” prediction and the predetermined number is equivalent to the number of escaping defects. However, Hedstrom compares a first historical sheet of data with a second current sheet of data. In contrast, the “change” in claim 30 is not a change between data entered in a historical sheet and data entered in a current sheet. Instead, the “change” refers to a difference between the

first information content and the second information content. Indeed, claim 30 recites “comparing the first information content to a second information content.” Because Reboh and Hedstrom, either alone or in combination, do not teach or suggest each and every element of independent claim 30, the Examiner has failed to establish the required *prima facie* case of unpatentability. As claim 30 is believed to be allowable, claims 31-34 are also believed to be allowable as they depend on claim 30. Accordingly, the undersigned representative respectfully requests that the Examiner withdraw the rejection of claims 30-34.

**Rejection of Claims 12 and 13 under 35 U.S.C. § 103**

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reboh in view of Hedstrom, and further in view of Masch. This rejection is respectfully traversed. For at least the reasons set forth above with respect to amended independent claim 1, Reboh and Hedstrom do not establish a *prima facie* case of obviousness with respect to dependent claims 12 and 13 because Reboh and Hedstrom do not teach or suggest each and every element of the independent claims. Masch fails to cure the deficiencies of Reboh and Hedstrom. Therefore, the undersigned representative respectfully requests that the Examiner withdraw the rejection of claims 12 and 13.

**Notice of Related Application**

This application is related to co-pending U.S. Patent Application Serial No. 10/989,046, entitled “SYSTEM AND METHOD FOR ASSURING THE INTEGRITY OF DATA USED TO EVALUATE FINANCIAL RISK OR EXPOSURE,” filed November 15, 2004 and assigned to Examiner Samica L. Norman.

**CONCLUSION**

The undersigned representative respectfully submits that this application is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that the prosecution might be advanced by discussing the application with the undersigned representative, in person or over the telephone, we welcome the opportunity to do so. In addition, if any additional fees are required in connection with the filing of this response, the Commissioner is hereby authorized to charge the same to Deposit Account 50-4402.

Respectfully submitted,

Date: 4/9/09  
KING & SPALDING LLP  
1700 Pennsylvania Ave., NW  
Washington, DC 20006  
(202) 626-8980

By: /Eric Sophir, Reg. No. 48,499 /  
Eric L. Sophir  
Registration No. 48,499